

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA,

- against -

MALIS CHUM,

Defendant.

- - - - -X

Cr. No. 05-141
(Amon, J.)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAR 16 2006 ★

P.M. _____
TIME A.M. _____

FINAL ORDER OF FORFEITURE

WHEREAS, on July 19, 2005, this Court entered a Preliminary Order of Forfeiture (the "Preliminary Order"), pursuant to 31 U.S.C. § 5332(b)(2), wherein the Court ordered that the defendant Malis Chum (the "Defendant") forfeit to the United States of America the sum of three hundred seventy thousand, two hundred fifty three dollars and zero cents (\$370,253.00) (the "Forfeited Funds"); and

WHEREAS, the Court finds that the Defendant has an interest in the Forfeited Funds, which shall be forfeited to the United States pursuant to 31 U.S.C. § 5332(b)(2); and

WHEREAS, on November 18, 2005, the Preliminary Order was made part of the Defendant's sentence and included in the judgment of conviction of the Defendant; and

WHEREAS, legal notice of the Preliminary Order was published in Newsday, a newspaper of general circulation in this district, on September 22, September 29, and October 6, 2005, and direct written notice was sent by certified mail to 45 individuals identified by the government as persons with

potential legal interest in the Forfeited Funds on September 14, 2005; and

WHEREAS, on August 16, 2005 and August 22, 2005, respectively, Peter Oeur and Sophal Kim filed petitions claiming a legal right, title or interest in portions of the Forfeited Funds; and

WHEREAS, with the exception of the above-referenced petitions no other claims or petitions have been filed in this case, the time for doing so having expired; and

WHEREAS, the Court conducted an ancillary hearing with respect to the above-referenced petitions on November 15 and November 21, 2005, pursuant to Fed. R. Crim. P. 32.2(c) and 21 U.S.C. § 853(n); and

WHEREAS, after conducting the ancillary hearing, the Court denied the above-referenced petitions on November 28, 2005, on the grounds that neither petitioner had established a legal right, title or interest in the claimed portions of the Forfeited Funds by a preponderance of the evidence, as set forth in 21 U.S.C. § 853(n)(6)(A);

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that all right, title and interest to the Forfeited Funds, in the sum of three hundred seventy thousand, two hundred fifty three dollars and zero cents (\$370,253.00), is hereby condemned, forfeited and vested in the United States of America,

and shall be disposed of according to law; and

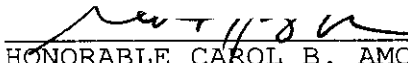
IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the Department of Treasury and all of its authorized agents and contractors are hereby authorized and directed to dispose of the Forfeited Funds in accordance with all laws and regulations; and

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the United States District Court for the Eastern District of New York shall retain jurisdiction in the case for the purpose of enforcing the Preliminary Order and this Final Order of Forfeiture and any supplemental final orders of forfeiture as may be necessary; and

IT IS FURTHER ORDERED, ADJUDGED and DECREED that, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, this Final Order of Forfeiture shall be made part of the sentence and included in the judgment of conviction of the Defendant; and

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Clerk of the Court shall forward five certified copies of this Final Order to the United States Attorney's Office, 1 Pierrepont Plaza, Brooklyn, New York, 11201, Attn: Assistant U.S. Attorney Kenneth A. Stahl.

Dated: Brooklyn, New York
March 15, 2006

/s/ Hon. Carol B. Amon

HONORABLE CAROL B. AMON
UNITED STATES DISTRICT JUDGE



U.S. Department of Justice

United States Attorney
Eastern District of New York

SLR: KAS

One Pierrepont Plaza
Brooklyn, New York 11201

Mailing Address: 147 Pierrepont Street
Brooklyn, New York 11201

March 8, 2006

Via Interoffice Mail

The Honorable Carol B. Amon
United States District Judge
United States District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Malis Chum
Criminal Docket No. 05-0141 (CBA)

Dear Judge Amon:

Enclosed please find a proposed Final Order of Forfeiture for the above-referenced matter, which the United States respectfully requests that the Court So Order. A copy of this proposed Order has been filed by Electronic Case Filing.

Respectfully submitted,

ROSLYNN R. MAUSKOPF
United States Attorney

By:

Kenneth A. Stahl
Assistant U.S. Attorney
(718) 254-6519

cc: By First Class Mail

Susan Necheles, Esq.
Hafetz & Necheles
500 Fifth Avenue, 29th Floor
New York, New York 10110

Philip C. Patterson
De Feis, O'Connell & Rose, P.C.
500 Fifth Avenue, 26th Floor
New York, New York 10110